



3764  
EW

PATENT  
02581-P0316A WWW/SBS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                            |   |
|----------------------------|---|
| Applicant                  | Hartmut Boche   |
| Application No. 09/625,792 | Filing Date: July 26, 2000                                  |
| Title of Application:      | Medical Instrument With A Non-Contact Readable Data Carrier |
| Confirmation No. 8313      | Art Unit: 3764  |
| Examiner                   | Fenn C. Mathew  |

Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

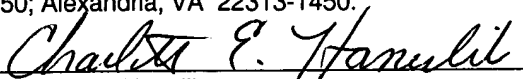
**Request to Withdraw Holding of Abandonment**

On March 8, 2005, a Notice of Abandonment was mailed in the above-captioned case (copy attached as Exhibit A) due to "A notice of non-compliant amendment was sent on 06/09/2004. No reply has been received and the maximum period for reply has expired."

Applicant, through her duly appointed Attorney, hereby petitions the Commissioner to withdraw this holding of abandonment on grounds that the Office Letter mailed June 6, 2004 was never delivered to the Attorney's Office. In support of this Petition, Applicant encloses a statement by Attorney of Record showing that he has not received the

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

May 9, 2005

  
Charlotte E. Hanulik

Page 2  
Serial No. 09/625,792  
Response to Official Action  
Request to Withdraw Holding of Abandonment

Office letter (attached at Exhibit B), and a copy of Docketing and Paper handling procedures of St. Onge Steward Johnston and Reens, LLC, the law firm representing Applicant (attached at Exhibit C). Also enclosed are a Calendar of Matters that have not been completed that were docketed for the date of July 9, 2004 (copy attached at Exhibit D), and a Completed Events Calendar showing all matters completed that were docketed for the date of July 9, 2004 (copy attached at Exhibit E). Had the notice of non-compliant amendment been docketed it would have been listed on one of these two sheets.

Applicant submits that based on evidence presented in the above-mentioned documents this Notice of Abandonment was issued in error, and request that it be withdrawn. Applicant does not believe there is a fee due with this petition, however, if there is any fee deficiency, please charge Account No. 19-4516.

Applicant also respectfully requests that a copy of the non-received Office Action be re-mailed to Applicant's attorney.

Respectfully submitted,



---

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Steven B. Simonis, Registration No. 54,449  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/625,792      | 07/26/2000  | Hartmut Boche        | 02581-P0316A        | 8313             |

24126 7590 03/08/2005

ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

EXAMINER

MATHEW, FENN C

ART UNIT PAPER NUMBER

3764

DATE MAILED: 03/08/2005

RECEIVED

St. Onge Steward Johnston & Reens

MAR 10 2005

FILE  
DKT

*Was Pending*  
*5-8-05- Petition to Revoke*

*97*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

09/625,792

Applicant(s)

BOCHE, HARTMUT

Examiner

Art Unit

Fenn C Mathew

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 June 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A notice of non-compliant amendment was sent out on 06/09/2004. No reply has been received and the maximum period for reply has expired.

JEROME W. DONNELLY  
PRIMARY EXAMINER  
JEROME W. DONNELLY  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                            |   |
|----------------------------|---|
| Applicant                  | Hartmut Boche   |
| Application No. 09/625,792 | Filing Date: July 26, 2000                                  |
| Title of Application:      | Medical Instrument With A Non-Contact Readable Data Carrier |
| Confirmation No. 8313      | Art Unit: 3764  |
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Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Statement By Wesley W. Whitmyer, Jr., Attorney Of Record, In Support Of  
Request To Withdraw Holding Of Abandonment Under MPEP §711.03(c)(II)**

Dear Sir:

The undersigned hereby states that an Office Action mailed June 9, 2004 was never received by the Attorney for the following reasons.

1. St. Onge, Steward, Johnston and Reens LLC (further referred to as "SSJR"), wherein the undersigned is a partner, has been specializing in intellectual property law for many decades and is intimately familiar with the established practice of the U.S. Patent and Trademark Office.
2. SSJR strictly adheres to its Docketing, Paper Handling And File Maintenance Procedure (further referred to as "Manual") which was last revised on November 6, 2002 and is attached hereto at Exhibit C.

3. All mail received by SSJR is first date stamped by a Docket Administrator who then reviews it for need of docketing. One of the required docket entries is Non-final Office Actions, as indicated by Manual (Exhibit C, §§A(1) & D(3)).

4. A required docket entry includes a nature of action to be taken and due date which are electronically entered into a Calendar for Matter corresponding to an Attorney Docket Number, as is indicated on a cover sheet of an Office Action. Had the Office Action been received, both a written description of the action and a due date (December 23, 2004) for reply should have been entered into a Calendar for Matter, as required by Manual (Exhibit C, §A(4)). No such entry can be found in the docketing sheets of matter number 02581-P0316A (Exhibits D & E).

5. Each docketed paper is to be delivered to a Secretary of attorney of record within a short period of time after it has been docketed and checked by the secretary for accuracy of docketing notation, as required by Manual (Exhibit C, §B(1)). Had any inconsistency been noticed, a paper should have been returned to the Docketing Administrator for correction. No corrections are indicated on the docketing sheets (Exhibits D & E).

6. Had the Office Action reached the Secretary of attorney of record, it should be have been added to a file jacket and given to an Attorney of Record for his review, as required by Manual (See Exhibit C, §B(3)). Thorough examination of the file jacket reveals that the Office Action has not been added.

7. Had the Office Action been added to the file jacket, the Attorney of Record should have assured accuracy of docketing entries, as required by Manual (Exhibit C, §C(2)).

The undersigned has not seen the file jacket until a Notice of Abandonment was received on March 10, 2005.


8. Had the Office Action avoided somehow all of the above-listed procedural guards and appeared on the Attorney's desk separately from the file jacket, he should have immediately contacted a Docketing Administrator, as required by Manual (Exhibit C, §C(3)). The undersigned has never confronted the Docketing Administrator in reference to this particular matter.

9. Had the Office Action been docketed but not delivered to the Secretary of attorney of record and/or Attorney of record, an updated Docket List for each attorney, prepared weekly by the Docketing Administrator and including all items due within two months, should have included it (Exhibit C, §A (6)). Neither the Office Action nor the due date (July 9, 2004) appears on any of the docket lists (Exhibits D & E).

10. Had the Secretary of attorney of record and Attorney of record missed an inaccurate docketing entry, a Completed Events Calendar prepared by the Docketing Administrator should have indicated a nature of action and due date. No reference to the above-captioned application appears on the Completed Events Calendar on July 9, 2004 (Exhibit E).

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code; and such willful, false statements may jeopardize the validity of the above registration.

Respectfully submitted,



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Wesley W. Whitmyer, Jr., Registration No. 33,558  
Steven B. Simonis, Registration No. 54,449  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155



**St. Onge Steward Johnston & Reens LLC**

**DOCKETING, PAPER HANDLING AND FILE MAINTENANCE PROCEDURES**

**Revised 11/06/02**

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## ***I. DOCKETING AND PAPER HANDLING***

### **A. RESPONSIBILITIES OF DOCKET ADMINISTRATOR:**

1. Date stamp all mail upon opening.
2. Review each paper for need to docket. If any question, check with responsible attorney, but do not leave with attorney unless docketed. If attorney cannot help at that time, fill out NOT DOCKETED card – staple one to jacket and put one in Docketing file box.
  - a. Litigation matters will be distributed to and docketed by the Litigation Department with backup by Docket Administrator.
3. Note action to be taken and due date on date stamp on paper.
4. Enter docketing in computer database.
5. Check print-out against entry on paper; then initial by the person docketing the item to indicate that it has been docketed.
6. As new information comes in (filing dates, serial numbers, publication dates, etc.), it should be added to the Matter File.
7. Every Monday prepare an updated Docket List for each attorney, including all items due for two months.
8. Promptly complete, cancel, or reschedule items for which you have been given information from the attorney or assistant.
9. At the end of each month, review outstanding docket items and check with attorneys or assistants to see what should be completed, cancelled, or rescheduled.

**B. RESPONSIBILITIES OF ADMINISTRATIVE ASSISTANTS:**

1. Check each paper for docketing and for accuracy of docketing notation. No paper should be placed on any attorney's desk until accuracy has been checked.
2. If a paper has not been docketed or docketed incorrectly, return to docketing administrator.
3. Retrieve file, copy any Office Actions, tie all original papers into file before giving to attorney.
4. As new information comes in (filing dates, serial numbers, publication dates, etc.) it should be added to the file jacket.
5. Review docket for completed projects. Indicate docket entries to be completed, cancelled, or rescheduled. Also note whether a case has been abandoned or transferred.
6. Check accuracy of Matter File and file wrapper data against official filing receipt or other official papers.

**C. RESPONSIBILITIES OF ATTORNEYS:**

1. For new clients, circulate and follow instruction on new client checklist (attached at Tab 1).
2. Assure accuracy of docketing entries on docket stamp.
3. Do not permit an undocketed paper to remain on your desk – see Docketing Administrator immediately.
4. Do not permit original papers to remain loose in the file or on your desk.
5. Promptly complete pre-issue checklist.

**D. REQUIRED DOCKET ENTRIES FOR SPECIFIC PAPERS:**

**1. New U.S. Patent Applications**

Upon receipt of a postcard confirming filing, the filing particulars of the new application should be entered in the computer database. New U.S. patent applications should be docketed with attorney's initials. If more than one attorney is responsible for the case, add the attorney primarily responsible for the case first.

**a. Utility Patent Applications.** Docket each case filing in the U.S. for:

| <b>Docketing</b>   | <b>Code</b> | <b>Date</b>               |
|--|-------------|---------------------------|
| Information Disclosure Statement                         | IDS         | 3 months from filing date |
| Foreign Filing<br>(only if not based on US prov. appln.) | F           | 1 year from filing date   |

**b. Design Patent Application.**

| <b>Docketing</b>                 | <b>Code</b> | <b>Date</b>               |
|----------------------------------|-------------|---------------------------|
| Information Disclosure Statement | IDS         | 3 months from filing date |
| Foreign Filing                   | F           | 6 months from filing date |

**c. Provisional Application.**

| <b>Docketing</b>    | <b>Code</b> | <b>Date</b>             |
|---------------------|-------------|-------------------------|
| Utility Application | U           | 1 year from filing date |
| Foreign Filing      | F           | 1 year from filing date |

## **2. Notice to File Missing Parts.**

| <b>Docketing</b>  | <b>Code</b> | <b>Date</b>               |
|-------------------|-------------|---------------------------|
| Declaration       | DEC         | 2 months                  |
| Declaration, S.P. | DECF        | 6 mos. from office action |
| Drawings          | DRWG        | 2 months                  |
| Drawings (6 mos.) | DWG6        | 6 mos. from office action |

## **3. Non-Final U.S. Office Actions**

### **a. Restriction Requirement**

| <b>Docketing</b> | <b>Code</b> | <b>Date</b>                                       |
|------------------|-------------|---|
| Election         | ELCT        | 1 month (or a period determined in office action) |
| Election, S.P.   | ELEC        | 6 months  |

### **b. Rejection**

| <b>Docketing</b>         | <b>Code</b> | <b>Date</b> |
|--------------------------|-------------|-------------|
| Amendment (3 mos.)       | A3          | 3 months    |
| Amendment (6 mos., S.P.) | A6          | 6 months    |

No extension of time beyond six months is possible.

### **c. Office Action in Reexamination.** Extension of time only available if filed before elapse of period for response and on showing of sufficient cause.

| <b>Docketing</b>             | <b>Code</b> | <b>Date</b> |
|------------------------------|-------------|-------------|
| Amendment (2 mos., non-ext.) | A2          | 2 months    |

**4. U.S. Final Rejections. When a Final Rejection is received, docket for:**

| <b>Docketing Entry</b>              | <b>Code</b> | <b>Date</b> |
|-------------------------------------|-------------|-------------|
| Amendment F.R. (2 mos.)             | A2F         | 2 months    |
| Amendment F.R./Appeal (3 mos.)      | A3F         | 3 months    |
| Amendment F.R./Appeal (6 mos. S.P.) | A6F         | 6 months    |

When an amendment or request for reconsideration is filed in response to a Final Rejection, the six month docket entry should **not** be deleted because it may still be necessary to file a Notice of Appeal.

**5. U.S. Patent Office Notice of Appeal.**

When a Notice of Appeal is filed, this starts a two-month time period for filing an Appeal Brief, which should be docketed for as follows:

| <b>Docketing</b>   | <b>Code</b> | <b>Date</b>                                       |
|--------------------|-------------|---|
| Appeal Brief       | APBR        | 2 months from date of filing the Notice of Appeal |
| Appeal Brief, S.P. | APB6        | 6 months from date of filing the Notice of Appeal |

**6. U.S. Examiner Answer**

Shortly after we file an Appeal Brief we will received an Examiner's Answer. This should be docketed as follows:

| <b>Docketing</b>         | <b>Code</b> | <b>Date</b>                             |
|--------------------------|-------------|---|
| Reply Brief              | RPBF        | 2 months from date of Examiner's Answer |
| Request for Oral Hearing | RQOH        | 2 months from date of Examiner's Answer |

## **7. U.S. Board of Appeals Decision**

These decisions must be reviewed with the attorney regarding time limits or rejections as well as the need for appeal, and docketing entries relating to an appeal. They should be immediately docketed for:

| <b>Docketing</b>            | <b>Code</b> | <b>Date</b>                   |
|-----------------------------|-------------|-------------------------------|
| Request for Reconsideration | RCON        | 1 month from date of Decision |
| Appeal/CAFC or DC           | CAFC        | 60 days from date of Decision |

## **8. U.S. Notice of Allowance**

Attach pre-issue checklist in form attached at Tab 2 and docket for:

| <b>Docketing</b>         | <b>Code</b> | <b>Date</b>                  |
|--------------------------|-------------|------------------------------|
| Issue Fee/Drawings       | IF          | 3 months from date of Notice |
| Update for Patent Number | UPDT        | 5 months from date of Notice |

## **9. Issuance of U.S. Patent**

| <b>Docketing</b>      | <b>Code</b> | <b>Date</b>                      |
|-----------------------|-------------|----------------------------------|
| Maintenance Fee (1st) | MF1         | 3 years, 6 mos. from issue date  |
| Maintenance Fee (2nd) | MF2         | 7 years, 6 mos. from issue date  |
| Maintenance Fee (3rd) | MF3         | 11 years, 6 mos. from issue date |



## 10. Foreign Patent Applications

Typical docketing items:

|   |      |                    |
|---|------|--------------------|
| Certified Copy of<br>Priority document          | CCPD | per agent's report |
| Request Examination                             | REXM | per agent's report |
| Instruct agent re<br>Response due [insert date] | INST | per agent's report |
| Response  | RESP | per agent's report |
| Annuity   | ANU  | per agent's report |
| Approve Text                                    | APTX | per agent's report |
| Intent to Proceed                               | INTP | per agent's report |

## 11. Foreign Filing

a. Upon filing PCT cases:

| Docketing  | Code | Date                         |
|--|------|------------------------------|
| National Phase Reminder (18 mos.)                                  | NP18 | 18 months from priority date |
| File Chapter II Demand   | CHP2 | 19 months from priority date |
| Enter National Phase (20 mos.)<br>(if Chapter II Demand not filed) | NP20 | 20 months from priority date |
| National Phase Reminder (28 mos.)                                  | NP28 | 28 months from priority date |
| Enter National Phase (30 mos.)<br>(BR, CA, CN, JP, MX)             | NP30 | 30 months from priority date |
| Enter National Phase (31 mos.)<br>(AU, EP, NZ, RU, ZA)             | NP31 | 31 months from priority date |

b. Upon receipt of Notification of International Application Number:

| Docketing                        | Code | Date   |
|----------------------------------|------|--|
| Correct Defects                  | COR  | 1 month from action  |
| Correct Defects (non-extendable) | CORN | 16 months from priority date   |
| Correct Priority Claim           | CORP | 16 months from priority date but not<br>later than 4 months from int'l filing date |
| Amend Claims                     | ACL  | per PTO paper  |
| Voluntary Amendment              | VOL  | per PTO paper  |
| Reply to Written Opinion         | ROPN | 2 months from mailing date   |

## 12. Trademarks (U.S.)

Foreign Filing, Statements of Use, Section 8 & 15s, Renewals, Secondary Meaning, and Section 8s, are docketed as Partner SLP; or for ELF matters, ELF KGB.

All VNU Business Media, Inc. matters should be docketed GSW KGB SLP. VNU client numbers are 00993, 03038, 03210, 03211, 03212, 03213, 03214, 03215, 03450, 03669, 03670, 03671, 03672, 03673, 03674, 03675, 03676.

a. Upon filing a U.S. Trademark Application, docket for:

| <b>Docketing</b> | <b>Code</b> | <b>Date</b>               |
|------------------|-------------|---------------------------|
| Foreign Filing   | F           | 6 months from filing date |

b. When an Office Action is received, docket for:

| <b>Docketing</b>  | <b>Code</b> | <b>Date</b>  |
|---|-------------|--|
| Priority Action<br>2 months from Office Action, if applicable |             | PACT   |
| Amendment   | A           | Usually 6 months from Office Action<br>(but check paper) |

c. When a Final Office Action is received, docket for:

| <b>Docketing</b>               | <b>Code</b> | <b>Date</b>                 |
|--------------------------------|-------------|-----------------------------|
| Amendment F.R. (3 mos.)        | A3F         | 3 months from Office Action |
| Amendment F.R./Appeal (6 mos.) | A6F         | 6 months from Office Action |

d. When a Post Registration Office Action is received, docket for:

| <b>Docketing</b>                                   | <b>Code</b> | <b>Date</b>                                    |
|--|-------------|--|
| Post Registration Action<br>(Grace Period Expires) | PRAG        | 6 months from 8/15 (6 <sup>th</sup> ) Due Date |
| Post Registration Action (6 mos. date)             | PRA6        | 6 months from Office Action                    |

e. Upon filing a Notice of Appeal:

| <b>Docketing</b> | <b>Code</b> | <b>Date</b> |
|------------------|-------------|-------------|
|------------------|-------------|-------------|

|              |      |                            |
|--------------|------|----------------------------|
| Appeal Brief | APBR | 60 days from filing Notice |
|--------------|------|----------------------------|

- f. Upon receipt of a Notice of Allowance (after publication and opposition periods), docket for:

| Docketing        | Code | Date                                      |
|------------------|------|---|
| Statement of Use | STMT | 6 months from date of Notice of Allowance |

- g. Upon registration on principal register, docket for:

| Docketing                                   | Code | Date                     |
|---|------|--------------------------|
| Section 8 & 15 opens (5 <sup>th</sup> year) | 8155 | 5 years from issue date  |
| Section 8 & 15 (6 <sup>th</sup> year)       | 8156 | 6 years from issue date  |
| Renewal                                     | RNWL | 10 years from issue date |

- h. Upon registration on supplemental register, docket for:

| Docketing                              | Code | Date                                     |
|--|------|--|
| Secondary Meaning                      | 2MN  | 5 years from date of 1st use in commerce |
| Section 8 opens (5 <sup>th</sup> Year) | 8-5  | 5 years from issue date                  |
| Section 8 (6 <sup>th</sup> Year)       | 8-6  | 6 years from issue date                  |
| Renewal                                | RNWL | 10 years from issue date                 |

### 13. Trademarks (Foreign)

Working and Renewals are docketed as Partner SLP; or for ELF matters, ELF KGB.

All VNU Business Media, Inc. matters should be docketed GSW KGB SLP. VNU client numbers are 00993, 03038, 03210, 03211, 03212, 03213, 03214, 03215, 03450, 03669, 03670, 03671, 03672, 03673, 03674, 03675, 03676.

| Docketing   | Code         | Date   |
|---|--------------|--|
| Instruct associate re<br>Response due [insert date]<br>Response | INST<br>RESP | Take from agent's report<br>Take from agent's report                             |
| Working/Use<br>Renewal  | WORK<br>RNWL | Take from agent's report<br>Usually 10 years from issue date<br>but check report |

## 14. Trademark Oppositions

## N (Notice of Opposition)

### a. Matter

Jack Schwartz Shoes, Inc. /N0053B-Jack Schwartz Shoes, Inc. v. Logo Athletic

File Edit Case Information Tabs Help

Parties Doc Links Appointments Completed  
Matter Matter Notes Client Client Notes

**Management**

Matter Code: N0053B

Name: Jack Schwartz Shoes, Inc. v. Logo Athletic

Class: LIT Litigation

Bill Atty: ASC Arlana S. Cohen

Init Atty: ASC Arlana S. Cohen

Resp Atty: KGB Kathryn Grant Belleau

Office: STAMFORD Stamford Office

Start Date: 4/6/00

**Billing**

Activity Closed

TRADEMARK will show in short name and in Matter Notes

### b. Matter Supplement

Viewing Matter Supplement-03223/N0053B

Edit Help

Serial Number: 119,506 (Opp #)

Examiner/Atty:

Status: Opposition

Publication Date:

Issue Date:

Country: United States

Date of Abandonment:

Priority:

Opposition No.:

Filing Date:

Art Unit/Law Office:

Publication Number:

Registration Number:

Expiration Date:

Country Code: US

OK Cancel

SSJR-S... PerfectLaw Attorney Info... (7/30/85 - 7/23/15) - Ja... Viewing Matter Sup... 11:10 AM

c. Matter Notes

Jack Schwartz Shoes, Inc. /N00538-Jack Schwartz Shoes, Inc. v. Logo Athletic

File Edit Notes Case Information Tabs Help

Parties Doc Links Appointments Completed

Matter Matter Notes Client Client Notes

Changed from 03223-L00538 to 03223-N00538.

Jack Schwartz Shoes, Inc., Opposer  
(ASC) St. Onge

v.

Logoathletic, Inc., Applicant  
Attorney for Logoathletic:  
James A. Dimitrijevic  
Callee,d Halter & Griswold, LLP  
800 Superior Avenue, Suite 1400  
Cleveland, OH 44114-2688  
Opposition to L LogoAthletic, Serial Number 75/781,746

FOR  
OPPOSITION  
SHOULD READ

CAPS

**Docketing****Oppositions**

| <b>Incoming Mail</b>  | <b>Mail Date</b>                                | <b>Description</b>           | <b>Code</b> | <b>Docket Date</b> |
|---|---|------------------------------|-------------|--------------------|
| Answer is due (forty days after mailing date hereof)  | 7/19/00   | Answer                       | ANS         | 8/28/00            |
| Discovery period to open  | 8/08/00   | Discovery Opens              | NDO         | 8/08/00            |
| Discovery Period to close   | 2/04/01   | Discovery Closes             | NDC         | 2/04/01            |
| Testimony period for party in position of plaintiff to close: (opening 30 days prior thereto) | 5/05/01   | Opposer's Testimony Opens    | NOTO        | 4/05/01            |
|   |   | Opposer's Testimony Closes   | NOTC        | 5/05/01            |
| Testimony period for party in position of defendant to close: (opening 30 days prior thereto) | 7/04/01   | Applicant's Testimony Opens  | NATO        | 6/04/01            |
|   |   | Applicant's Testimony Closes | NATC        | 7/04/01            |
| Rebuttal testimony period to close: (opening 15 days prior thereto)                           | 8/18/01   | Rebuttal Testimony Opens     | NBTO        | 8/03/01            |
|   |   | Rebuttal Testimony Closes    | NBTC        | 8/18/01            |
| Due 60 days after Rebuttal Testimony Closes   | 60 days after 8/18/01 above                     | Opposer's Brief              |             | 10/17/01           |
| Due 30 days after Opposer's Brief   | 30 days after Opposer's Brief 10/17/01          | Applicant's Brief            |             | 11/16/01           |
| Due 15 days after Applicant's Brief   | (15 days after Applicant's Brief due (11/16/01) | Reply Brief)                 |             | 12/01/01           |

## Docketing

[7/30/85 - 7/23/15] - Jack Schwartz Shoes, Inc. /N0053B-Opp. to L LogoAthletic

File Edit Appointment Case Information Tabs Help

| Matter  |         | Matter Notes                 | Client       | Client Notes |
|---------|---------|------------------------------|--------------|--------------|
| Parties |         | Doc Links                    | Appointments | Completed    |
| Day     | When    | Description                  | Attorneys    |              |
| Tue     | 8/8/00  | Discovery Opens              | ASC KGB      |              |
| Mon     | 8/28/00 | Answer                       | ASC KGB      |              |
| Sun     | 2/4/01  | Discovery Closes             | ASC KGB      |              |
| Thu     | 4/5/01  | Opposer's Testimony Opens    | ASC KGB      |              |
| Sat     | 5/5/01  | Opposer's Testimony Closes   | ASC KGB      |              |
| Mon     | 6/4/01  | Applicant's Testimony Opens  | ASC KGB      |              |
| Wed     | 7/4/01  | Applicant's Testimony Closes | ASC KGB      |              |
| Fri     | 8/3/01  | Rebuttal Testimony Opens     | ASC KGB      |              |
| Sat     | 8/18/01 | Rebuttal Testimony Closes    | ASC KGB      |              |

Rebuttal Testimony Closes [ASC KGB]

## 15. Cancellations

### a. Matter Notes

Jack Schwartz Shoes, Inc./N0053B-Jack Schwartz Shoes, Inc. v. Logo Athletic

File Edit Case Information Tabs Help

Parties Doc Links Appointments Completed

**Matter** Matter Notes Client Client Notes

**Management**

Matter Code: N0053B

Name: Jack Schwartz Shoes, Inc. v. Logo Athletic

Class: LIT Litigation

Bill Atty: ASC Arlana S. Cohen

Init Atty: ASC Arlana S. Cohen

Resp Atty: KGB Kathryn Grant Belleau

Office: STAMFORD Stamford Office

Start Date: 4/6/00

**Billing**

Activity Closed

TRADEMARK will show in short name and in Matter Notes

### b. Matter Supplement

Editing Matter Supplement-03223/N0053B

Edit Help

Serial Number Priority Cancellation No. Trademark

Serial Number: XXXXXX (Can #)

Examiner/Atty:

Status: Cancellation

Publication Date:

Issue Date:

Country: United States

Date of Abandonment:

Filing Date:

Art Unit/Law Office:

Publication Number:

Registration Number:

Expiration Date:

Country Code: US

OK Cancel

Document1 - Micr... PerfectLaw Attorn... Jack Schwartz Sh... Editing Matter ... 11:25 AM



c. Matter Notes

Jack Schwartz Shoes, Inc. /N0053B-Jack Schwartz Shoes, Inc. v. Logo Athletic

File Edit Notes Case Information Tabs Help

Parties Doe Links Appointments Completed  
Matter Matter Notes Client Client Notes

Changed from 03223-L0053B to 03223-N0053B.

Jack Schwartz Shoes, Inc., Petitioner  
(ASC) St. Onge

v.

Logoathletic, Inc., Registrant  
Attorney for Logoathletic:  
James A. Dimitrijevic  
Callfee,d Halter & Griswold, LLP  
800 Superior Avenue, Suite 1400  
Cleveland, OH 44114-2688  
Opposition to L LogoAthletic, Serial Number 75/781,746

FOR  
CANCELLATION  
SHOULD READ

**Docketing****Cancellations**

| <b>Incoming Mail</b>  | <b>Mail Date</b>                              | <b>Docket Description</b>  | <b>Docket Code</b> | <b>Docket Date</b> |
|---|---|--|--------------------|--------------------|
| Answer is due (40 days after mailing date hereof)   | 7/19/00                                       | Answer   | ANS                | 8/28/00            |
| Discovery period to open  | 8/08/00                                       | Discovery Opens  | NDO                | 8/08/00            |
| Discovery Period to close   | 2/04/01                                       | Discovery Closes   | NDC                | 2/04/01            |
| Testimony period for party in position of plaintiff to close: (opening 30 days prior thereto)     | 5/05/01                                       | Petitioner's Testimony Opens                                     | NPTO               | 4/05/01            |
|   |   | Petitioner's Testimony Closes                                    | NPTC               | 5/05/01            |
| Testimony period for party in position of defendant to close: (opening thirty days prior thereto) | 7/04/01                                       | Registrant's Testimony Opens                                     | NRTO               | 6/04/01            |
|   |   | Registrant's Testimony Closes                                    | NRTC               | 7/04/01            |
| Rebuttal testimony period to close: (opening fifteen days prior thereto)                          | 8/18/01                                       | Rebuttal Testimony Opens   | NBTO               | 8/03/01            |
|   |   | Rebuttal Testimony Closes  | NBTC               | 8/18/01            |
| Briefs shall be filed in accordance with Rule 2.128(a) & (b)                                      | 60 days after 8/18/01 above                   | Petitioner's Brief (due 60 days after Rebuttal Testimony Closes) | NPBD               | 10/17/01           |
|   | 30 days after Petitioner's Brief 10/17/01     | Registrant's Brief (due 30 days after Petitioner's Brief)        | NRBD               | 11/16/01           |
|   | 15 days after Registrant's Brief due 11/16/01 | Reply Brief (due 15 days after Registrant's Brief)               | NRBR               | 12/01/01           |

## Docketing

[7/30/85 - 7/23/15] - Jack Schwartz Shoes, Inc. /N0053B-Opp. to L LogoAthletic

File Edit Appointment Case Information Tabs Help

Matter Matter Notes Client Client Notes

Parties Doc Links Appointments Completed

|                                     | Day | When    | Description                   | Attorneys |
|-------------------------------------|-----|---------|-------------------------------|-----------|
| <input type="checkbox"/>            | Tue | 8/8/00  | Discovery Opens               | ASC KGB   |
| <input type="checkbox"/>            | Mon | 8/28/00 | Answer                        | ASC KGB   |
| <input type="checkbox"/>            | Sun | 2/4/01  | Discovery Closes              | ASC KGB   |
| <input type="checkbox"/>            | Thu | 4/5/01  | Petitioner's Testimony Opens  | ASC KGB   |
| <input type="checkbox"/>            | Sat | 5/5/01  | Petitioner's Testimony Closes | ASC KGB   |
| <input type="checkbox"/>            | Mon | 6/4/01  | Registrant's Testimony Opens  | ASC KGB   |
| <input checked="" type="checkbox"/> | Wed | 7/4/01  | Registrant's Testimony Closes | ASC KGB   |
| <input type="checkbox"/>            | Fri | 8/3/01  | Rebuttal Testimony Opens      | ASC KGB   |
| <input type="checkbox"/>            | Sat | 8/18/01 | Rebuttal Testimony Closes     | ASC KGB   |

Registrant's Testimony Closes [ASC KGB]

## 14. Domain Names

- a. Upon registering a domain name:

| Docketing           | Code | Date  |
|---------------------|------|---|
| Domain Name Renewal | DNR  | 2 years from registration date<br>and annually thereafter<br>(or as instructed) |

## II. FILE MAINTENANCE

### A. PATENTS

1. U.S. application materials shall be kept in U.S. Application Folders of common size, color and type. At least the color, however, should be different than those used for trademarks and international applications.
2. Upon receipt of a Notice of Allowance, an Issue Folder shall be prepared which shall contain:
  - any invention disclosure document,
  - assignment documents,
  - all records of maintenance fees, and
  - a copy of the patent when it issues.
3. Upon issuance of the U.S. Patent:
  - a. The patent should be placed in the Issue Folder.
  - b. the U.S. Application Folder should be reviewed to determine if any of its contents are important to international applications. Needed items should be transferred to the International Application Folder(s), and the U.S. Application Folder should be destroyed.
  - c. The H:/docs/ drive should be reviewed to determine if it is necessary to save any old amendment or application files, and only needed items should be retained.
4. Upon abandonment of a U.S. Application:
  - a. The file folder should be stripped of all but essential papers as identified in 1 or 2 above, and those papers should be transferred to a pertinent U.S. or foreign file.
  - b. Computer files should be checked for unneeded files.
5. International Application folders should be of a common size, color and type. At least the color, however should be different than those used for trademarks and U.S. patent applications.

B. TRADEMARKS

U.S. and international trademark application and renewal materials shall be kept in the same folder which shall be of a common size, color and type. At least the color, however, should be different than those used for U.S. and international patent applications.

C. BOX STORAGE

1. A label in form attached should be affixed to all boxed files.
2. A centralized log of files in storage, including a copy of the box label.

**CHECK LIST FOR POTENTIAL REPRESENTATION  
ST. ONGE STEWARD JOHNSTON & REENS LLC**

**Client No.**

This document is to be completed and retained in -G0000 file for the client.

1. Managing Attorney    Firm Client? - Other - Referral by
2. Client name –
3. Affiliated companies - none
4. Known competitors - none
5. Description of product(s) and market segments relevant to requested representation -
6. Specific services requested -
  - a) critical dates none
  - b) requested billing arrangement - normal
7. Conflict Clearance (please circulate and return to managing attorney)

|     | No conflict known, no equity interest, recommend commencing representation | Date | Should investigate potential conflict with: | Date | Hold equity interest |
|-----|--|------|---|------|----------------------|
| LHR |  |      |   |      |                      |
| GSW |  |      |   |      |                      |
| SPM |  |      |   |      |                      |
| WWW |  |      |   |      |                      |
| SHL |  |      |   |      |                      |
| ASC |  |      |   |      |                      |
| ELF |  |      |   |      |                      |
| RJB |  |      |   |      |                      |

8. Engagement letter sent and retained in -G0000 file for client \_\_\_\_\_
9. Critical dates docketed \_\_\_\_\_

\_\_\_\_\_  
Managing Attorney

\_\_\_\_\_  
Date

| <b>This form must be:</b><br>a. Attached to each Notice of Allowance;<br>b. Completed immediately by the Attorney;<br>c. Returned to Alice S. Jones for docketing. |  | Client/Matter No. _____<br>Date of Allowance _____<br>Issue/Fee/Drawings _____<br>Update for Patent _____ |           |               |
|--|--|---|-----------|---------------|
|  | <b>PRE-ISSUE CHECK LIST</b>  | <b>Yes</b>  | <b>No</b> | <b>Docket</b> |
| 1.   | Is this application to be assigned?  |   |           |               |
|  | If so, has the assignment been recorded?   |   |           |               |
| 2.   | Does this application require a claim for priority?  |   |           |               |
|  | If so, has a claim for priority been filed together with a certified copy of the foreign application?  |   |           |               |
|  | Has the Examiner acknowledged receipt of the priority papers?  |   |           |               |
| 3.   | Are formal drawings required?  |   |           |               |
|  | If so, have the formal drawings been filed?  |   |           |               |
| 4.   | Have claims been withdrawn from consideration?<br>Indicate withdrawn claims.   |   |           |               |
| 5.   | Are any division or continuation-in-part applications to be filed?   |   |           |               |
| 6.   | Have all references cited in corresponding foreign applications been called to the attention of the Patent Office?   |   |           |               |
|  | Are there any other references, not of record, that should be called to the attention of the Patent Office?  |   |           |               |
| 7.   | Before the issue fee is paid, and if the applicant has qualified as a Small Entity, has there been a check to determine whether those circumstances under which that status was obtained continue to exist (37 CFR 1.28(b))? |   |           |               |
| 8.   | If foreign applications have not been published, is the client now interested in non-convention filing?  |   |           |               |
| 9.   | Prepare Issue file in accordance with file maintenance policy  |   |           |               |

Alice S. Jones will put a two month call-up from the date of the allowance if any action is to be taken with respect to any of the questions raised above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

FILE NO.:

RESP. ATTORNEY:

DESCRIPTION OF CONTENTS:

DATE BOXED:

PULL DATE FOR DESTRUCTION:

DESIGNATED FILE LOCATION (select one):

UHAUL

BASEMENT (only if less than 3 years old)

3RD FLOOR (only if active)

OTHER (only if less than 3 years old), DESCRIBE



**Calendar for (ALL)**  
From 7/9/2004 To 7/9/2004  
Show: (Appointments ToDo's)

**Friday 07/09/04**

**Appointments**

ToDo

- No events were found for the selected date(s)!

## Completed Events Calendar for (ALL)

From 7/9/2004 To 7/9/2004  
Show: (Appointments ToDo's )

**Friday 07/09/04**

### Appointments

|      |          |  |
|------|----------|--|
| ToDo | 02931    | Storz Endoskop GmbH  |
|      | P0027A   | Handpiece For A Multifunctional Instrument For Endoscopic  |
|      |          | • CANCELED APPOINTMENT: ;Maintenance Fee Due (1st) (CLIENT PAYS)                                       |
| ToDo | 03141    | PerkinElmer LAS, Inc   |
|      | P0045E   | Apparatus And Method For Differential Analysis Using Signals   |
|      |          | • Maintenance Fee Due (1st)  |
| ToDo | 00529    | Pirelli Tire LLC   |
|      | D0189AVE | Tire Tread   |
|      |          | • Annuity (8th) (Awaiting Receipt from Agent)  |
| ToDo | 04014    | Ferman & Associates LLC  |
|      | T0003A   | ACCESSTENNIS   |
|      |          | • CANCELED APPOINTMENT: Closed per KGB/Client 2/5/04 asj.;Amendment                                    |
| ToDo | 03370    | Haldex Brake Products AB   |
|      | P0035A   | Brake Mechanism  |
|      |          | • Amendment FR/Appeal (6 mos. S.P) (Completed by MGG 3/8/04)   |
| ToDo | 01722    | Near Infrared Research Corp.   |
|      | P0004B   | Testing Linearity Of Methods Of Chemical Analysis  |
|      |          | • Amendment (6 mos. S.P.)  |
| ToDo | 02581    | Karl Storz GmbH & Co. KG   |
|      | P0418A   | Medical Gripping Instrument And Method For Use   |
|      |          | • CANCELED APPOINTMENT: CERTIFICATE RECEIVED 5/6/04 ASJ.;Update for Patent Number (6,730,109 - 5/4/04) |
| ToDo | 03382    | Arbitron Inc   |
|      | P0024ACA | Media Watch Improvements   |
|      |          | • Instruct agent re: Response to Amendment   |
| ToDo | 02315    | Custom-Pak, Inc.   |
|      | P0023C   | Blow Molded Article With Retaining Feature And Method Of Cre   |
|      |          | • Amendment (3 mos.)   |
| ToDo | 00833    | D. Young & Co.   |
|      | P0023A   | Product from Starfish  |
|      |          | • CANCELED APPOINTMENT: Per SPM 7/22/04 asj.;Amendment (5 mos.)  |